THE HON'BLE SRI JUSTICE N.V. RAMANA

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Writ Petition No. 13457 of 2005

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Dated: 14.03.2006

Between:

T. Kishan Singh, S/o Satyanarayana Singh, Ex-Contract Labour, resident of U.L. 18, C-Colony, Ramagundam, Karimnagar District.

..... PETITIONER

AND

A.P. Power Generation Corporation Limited, Vidyutsoudha, Somajiguda, Hyderabad, rep. byits Managing Director and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

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Writ Petition No. 13457 of 2005

Order:

By this writ petition, the petitioner seeks a direction to respondent No.1 to consider and dispose of his representation dated 07.10.2004 for absorbing him as Junior Plant Attendant on preferential basis in the existing vacancies on par with contract labour, who worked along with him.

The case of the petitioner, in brief, is that he worked as contract labour in the erstwhile A.P.S.E.B from 10.10.1987 to 10.06.1990, from 01.06.1992 to 18.06.1994,

and from 15.11.1996 to 14.02.1997 i.e., for about 5 years. Pursuant to the notification dated 21.10.1997 issued for absorbing the contract labour in regular vacancies, he appeared for the interview held on 24.10.1997, but his case was rejected on the ground that as per the terms of B.P. Ms. Nos. 36 and 37, dated 18.05.1997, he was not on rolls as on 23.09.1996. Questioning the said cut off date 23.09.1996 he filed W.P. No. 17775 of 2001 and the same is pending consideration. Subsequently, the contract labour, who worked along with the petitioner and whose cases were also rejected on the ground that they were not on the rolls as on 23.09.1996, filed separate writ petitions, which were disposed of by this Court directing the respondents to re-consider their cases, if they worked as contract labour before 23.09.1996, and accordingly, their cases were considered and they were appointed as Mazdoors vide orders dated 18.10.2000. Then, the petitioner submitted a representation dated 07.10.2004 to respondent No.1 requesting to appoint him as Junior Plant Attendant on preferential basis in the existing vacancies on par with other contract labour, who worked along with him and who were already absorbed. But, so far no orders have been passed on his representation. Hence, he filed the present writ petition.

A counter affidavit was filed by the respondents, *inter alia*, stating that the petitioner underwent apprenticeship training in the trade of Fitter from 06.11.1995 to 06.11.1996 and as he was not on the rolls of the Contractor as on 23.09.1996 as per B.P. Ms. No. 37, dated 18.05.1997 he is not eligible for absorption and accordingly his case was rejected vide proceedings dated 31.10.1998. It is further stated that the petitioner herein and others filed W.P. No. 8995 of 1999 and this Court while disposing of the said writ petition along with batch of other writ petitions filed by similarly situated contract labourers, vide common order dated 06.08.2003, permitted the petitioners therein to raise a dispute before the Labour Court/Industrial Tribunal for redressal of their grievances. But, the petitioner, without approaching the Labour Court, filed the present writ petition.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent-Corporation.

The admitted case of the petitioner is that he was not on the rolls of the Contractor as on 23.09.1996, which is the relevant date for absorption of the petitioner as per B.P. Ms. No. 37, dated 18.05.1997, and as on the said date the petitioner was undergoing apprenticeship training. Apart from that, this Court, in an earlier round of litigation

i.e., in W.P. No. 8995 of 1999 and batch, directed the petitioner herein and others to approach the Labour Court for redressal of their grievances and the petitioner without approaching the Labour Court filed the present writ petition. In view of the said direction, it is not proper for this Court to once again re-adjudicate the matter.

In that view of the matter, I deem it appropriate to dispose of the writ petition with the same direction as directed in W.P. No. 8995 of 1999. Accordingly, the petitioner is directed to approach the Labour Court for redressal of his grievance, and on such dispute being raised by the petitioner, the Labour Court shall consider and pass appropriate orders in accordance with law. No costs.

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N.V. RAMANA, J.

Date: 14.03.2006

Nsr/Ksr